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c 95 The Borough of North York Act, 1977

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CHAPTER 95

**An Act respecting
the Borough of North York***Assented to April 29th, 1977*

WHEREAS The Corporation of the Borough of North York, herein called the Corporation, hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Notwithstanding the provisions of any general or special Act, the council of the Corporation may pass by-laws,

Authority to pass by-laws for the removal of snow, etc.

- (a) requiring the owners of any designated class of building in the municipality or any defined area thereof to clear away and remove snow and ice from the exterior steps, sidewalks, walkways, driveways and parking lots on the lands of any class of building so designated and for regulating when and the manner in which the same shall be done, and for providing that in default thereof by the person directed or required to do it, the same shall be done at his expense, and for collecting or recovering the expenses incurred in so doing in the manner provided by section 469 of *The Municipal Act*; and

R.S.O. 1970, c. 284

- (b) establishing a clinic or clinics within the Borough of North York for the spaying or neutering of domestic animals without cost to the owners of such animals, or upon payment to the Corporation of such fees as may be established by the by-laws.

2.—(1) Notwithstanding section 13 of *The Public Health Act*, the council of the Corporation may by by-law provide that The Local Board of Health of the Borough of North York (hereinafter called the Local Board) shall consist of

Authority to pass by-laws providing for composition of North York Board of Health
R.S.O. 1970, c. 377

the mayor and at least five, and not more than nine, resident ratepayers, at least three of whom are not members of the council.

Term
of
office

(2) The members of the Local Board who are not members of the council shall hold office for three years, provided that on the first appointment the council, from among such members, shall designate members who shall hold office,

(a) until the 1st day of January of the year following the date of appointment;

(b) until the 1st day of January of the second year following the date of appointment; and

(c) until the 1st day of January of the third year following the date of appointment,

respectively, so that as nearly as possible one-third of such members shall retire each year, and the members of the Local Board who are members of the council shall be appointed annually.

Idem

(3) When a member of the Local Board becomes a member of the council, he ceases to be a member of the Local Board, but is eligible to be appointed annually.

Reappoint-
ment

(4) The members of the Local Board shall hold office until their successors are appointed, and are eligible for reappointment.

Vacancies

(5) Where a member ceases to be a member of the Local Board before the expiration of his term, the council shall appoint another eligible person for the unexpired portion of the term.

Secretary
of
Board

(6) The Local Board shall have a secretary and, unless otherwise provided by the council, the clerk shall be the secretary.

Interpre-
tation

3.—(1) In this section,

(a) “designated fire route” means a fire route so designated by by-law of the Corporation;

(b) “fire route” means any private road, lane, ramp or other means of vehicular access to or egress from a building or structure and it may include part of a parking lot;

- (c) "park" or "parking" when prohibited means the standing of a vehicle, except when standing temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers;
- (d) "stop" or "stopping" when prohibited means the halting of a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a constable or other police officer or of a traffic control sign or signal;
- (e) "trailer" means a vehicle that is at any time drawn upon a highway by a vehicle or any device or apparatus not designed to transport persons or property temporarily drawn, propelled or moved upon the highway and except a side car attached to a motorcycle, and shall be considered a separate vehicle and not part of the vehicle by which it is drawn;
- (f) "vehicle" includes a motor vehicle, trailer, traction engine, farm tractor, road-building machine and any vehicle drawn, propelled or driven by any kind of power, including muscular power, but does not include the car of an electric or steam railway running only upon rails.

(2) Notwithstanding paragraph 112 of subsection 1 of section 354 of *The Municipal Act*, the council of the Corporation may pass by-laws,

Power to pass
by-laws re
fire routes
R.S.O. 1970,
c. 284

- (a) regulating and designating fire routes, and, without limiting the generality of the foregoing, the by-laws may include the following:
 - 1. The dimensions, location, construction and maintenance standards of a fire route or of a designated fire route.
 - 2. The location, the number and the proximity to a building or structure of water hydrants.
 - 3. Authority to the Building Commissioner of the Corporation to refuse to issue a building permit for any building or structure where the plan filed with the building permit application does not show the proposed location of a fire route, where such is required, or where the plan shows a proposed

fire route which is not in conformity with the by-laws passed pursuant to this subsection or unless the security referred to in paragraph 4 has been filed.

4. Provision for the filing of security of such nature and amount as the Corporation may determine to ensure the proper construction of a fire route in accordance with the by-laws passed pursuant to this subsection.
 5. Provision for the return or release, in whole or in part, of the security referred to in paragraph 4.
 6. Requirements that existing fire routes which do not comply with the provisions of the by-laws passed pursuant to this subsection, comply, and the establishment of a time limit within which the fire routes are required to comply, or where there is a requirement for a fire route to an existing building or structure, that it be constructed within the period established in the by-laws passed pursuant to this subsection;
- (b) diverting, altering or stopping-up, for a period or permanently, designated fire routes;
 - (c) regulating and governing traffic on designated fire routes;
 - (d) prohibiting the parking or leaving of a vehicle unattended on a designated fire route and providing for the removal and impounding of any vehicle so parked or left at the expense of the owner of the vehicle;
 - (e) providing for the erection of signs, including the granting of the right to enter on land to accomplish this, and providing that the effect of the signs shall be the same as though erected pursuant to any by-law enacted pursuant to *The Municipal Act* respecting the regulation of traffic;
 - (f) fixing the fees and charges to be paid to the Corporation for any engineering and inspection services it provides for the construction of a fire route, for designating a fire route and for the erection of signs, and providing for recovery of fees

and charges in the event of non-payment in the same manner as a by-law enacted pursuant to *The Municipal Act*;

R.S.O. 1970,
c. 284

- (g) authorizing a peace officer or a full-time fire fighter, upon discovery of any vehicle or trailer parked or left unattended in contravention of the provisions of any by-law enacted pursuant to this subsection, to have the vehicle or trailer moved to and stored in another location, and providing that all costs and charges of removal and storage thereof are a lien upon the vehicle or trailer, which may be enforced in the manner provided by section 48 of *The Mechanics' Lien Act*.

R.S.O. 1970,
c. 267

- (3) Part XXI of *The Municipal Act* applies to any by-law passed under this section.

Penalties
and
enforcement

- (4) Clause *a* of paragraph 107 of section 354 of *The Municipal Act* applies to penalties provided by any by-law passed under this section.

Idem

- (5) The driver of a vehicle, not being the owner, is liable to any penalty provided in a by-law passed under this section and the owner of the vehicle is also liable to such a penalty unless at the time the offence was committed the vehicle was in the possession of a person other than the owner or his chauffeur without the owner's consent.

Vehicle
driver
and
owner
liable
for
penalties

- (6) Before passing a by-law pursuant to subsection 2,

Notice
of
by-law

- (a) the council of the Corporation shall cause notice of the proposed by-law to be sent by prepaid mail to every owner and occupant as shown on the last revised assessment rolls whose lands or premises may be prejudicially affected by the proposed by-law;
- (b) the council of the Corporation or a committee of council shall hear in person or by his counsel, solicitor or agent, any person who claims that his lands or premises will be prejudicially affected by the by-law and who applied to be heard within four weeks of the notice being sent; and
- (c) a notice sent under this subsection shall include a statement of the estimated expenses that will be incurred by the owner of the lands on which the fire route is to be designated.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Borough of North York Act, 1977*.